

Jesse Merrithew, OSB No. 074564

Email: jesse@lmhlegal.com

Viktoria Lo, OSB No. 175487

Email: viktoria@lmhlegal.com

Levi Merrithew Horst PC

610 SW Alder Street, Suite 415

Portland, Oregon 97205

Telephone: (971) 229-1241

Juan C. Chavez, OSB No. 136428

Email: jchavez@ojrc.info

Brittney Plessner, OSB No. 154030

Email: bplessner@ojrc.info

Alex Meggitt, OSB No. 174131

Email: ameggitt@ojrc.info

Franz H. Bruggemeier, OSB No. 163533

Email: Fbruggemeier@ojrc.info

Oregon Justice Resource Center

PO Box 5248

Portland, OR 97208

Telephone: 503 944-2270

J. Ashlee Albies, OSB No. 051846

Email: ashlee@albiesstark.com

Whitney B. Stark, OSB No. 090350

Email: whitney@albiesstark.com

Maya Rinta, OSB No. 195058

Email: maya@albiesstark.com

Albies & Stark LLC

1 SW Columbia St. Suite 1850

Portland, Oregon 97204

Telephone: (503) 308-4770

Facsimile: (503) 427-9292

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF COURTNEY
MARGOLIN IN SUPPORT OF PLAINTIFF'S
MOTION FOR CLASS CERTIFICATION
ORAL ARGUMENT REQUESTED

I, Courtney Margolin, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. On a night in late July of 2020, I attended a Black Lives Matter protest in downtown Portland. I had been participating in protests in Portland for a couple of weeks as part of the movement for Black Lives after the murder of George Floyd by Minneapolis Police Department officer Derek Chauvin. I had been to many protests throughout my life, but these protests were the first time I felt like I was in a war zone, due to the severity of the police use of force.
3. My husband and I are both educators. We didn't come prepared with any specialized protective gear, as such materials had never been necessary in my prior experiences at protests.
4. We were standing in front of the Justice Center, listening to activists offer speeches about racial justice over a megaphone. People were milling around and no one was really even protesting.
5. There were lines of police across the first level of the Justice Center, and suddenly an announcement went out declaring the protest a riot and commanding everyone to leave. This

announcement was followed immediately, with no delay, by a spray of stinging pellets. It happened so quickly, and I was confused as to why it had even been declared a riot.

6. To the best of my knowledge, the officers who used force against me in this instance were Portland Police Bureau, they were wearing uniforms that looked like PPB.

7. I am a principal at an elementary school.

8. As a principal at an elementary school, I understand why there is normally at least a brief "warning" period after verbal imperatives are issued. This sensible custom appeared to be deliberately disregarded by the police. It was everything that educators are trained not to do in tense or dangerous situations. I believe the police were intentionally baiting protesters and escalating; creating high-tension situations which did not exist beforehand. It was very scary. The police seemed determined to initiate confrontations.

9. The protesters did not really have much protective gear that night, and the police started attacking almost at the same time as they declared the riot. Five seconds earlier we had just been standing and drinking water. The mood had been akin to a backyard barbecue.

10. At other protests I had been to throughout my life, we may not have agreed with the actions the police were taking, but they seemed to have some kind of logic. These police actions, by contrast, were just mass chaos.

11. I was shot with pellets a number of times. I was first sprayed in the back. I found the sensation confusing, and it caused me to turn around and get hit with pellets in the front, which was extremely painful. I turned back around and got hit some more in my back, which was less painful. It wasn't enough that it took me down, but it was stinging badly. It felt like being sprayed everywhere with BBs from a BB gun. Afterwards I noticed I had bruises where I was hit.

12. I have a prior Traumatic Brain Injury (TBI), and because of that, I feel physical sensations

very intensely. The stinging from the pellets lasts longer than you would think; but my TBI causes the multiple simultaneous sensory intensities of flash bangs, pellet impacts, colors and sounds to combine as an overwhelming and paralyzing experience. The physical discomfort lasts longer than the night, and, because of my neuropathy, it spreads out in a spiderweb of pain and echoes through my body. It makes it very difficult to re-center, to see, and to navigate through space; particularly when it is happening repeatedly. In my experience, this can push me into a seizure, cause me to lose function in my limbs, or become disoriented and incapacitated.

13. It was horrible to see so many people in pain after this sudden use of force, including our houseless neighbors in the park.

14. After PPB shot us with pellets, we were gassed. I am not sure what agency the gas came from. The first time was a big rush of gas. I think this was the first night they used the "puking gas". My mask was sufficient, so I did not vomit, but my husband got it the worst. As we were exiting the park, he could barely function at all.

15. Luckily we had some eye wash, so we were trying to get all the gas out of my husband's eyes. We were trying to help so many people at the same time, and then we were being rushed up a street, because officers were charging us at multiple sides at the same time. No matter how efficiently we worked to offer first aid, lines of police were coming at us from all sides.

Eventually they left us alone just long enough for people to begin to recover and stop vomiting, and then another huge wave of gas came. My mask failed that time.

16. It felt like the police were trying to kettle us, and people's disparate responses to that pressure created a general sense of paranoia.

17. On a different evening within a couple weeks of that time, my TBI was causing me to lose function in my limbs after experiencing more tear gas. My husband was trying to help me to leave the protest. A sizeable group of BIPOC activists were forming a line by the 7-Eleven and


we ended up right in the middle of them. PPB officers started to bull rush with their batons as I was carried away. We could only watch as the activists they were beating called out for help. We wanted to offer solidarity, but I couldn't walk without my husband's help. You just feel like the worst failure when your body won't respond to you. Just to watch as the police are rushing towards a line, and to hear the people you were trying to stand with screaming. That was one of the nights when PPB were chasing people up all the streets. People were met with lines of police on every street.

18. After these experiences of police brutality I didn't immediately stop protesting, but it made me very fearful to go out. The combination of paranoia I experienced along with the aggravating effects of police weapons on my pre-existing TBI eventually proved to be the final straw. I kept going to some protests and stayed involved in organizing as much as I could, but I became so scared that I was unsafe, and worried that my comrades did not know enough about brain injuries. I felt that other people were trusting in me for cues and guidance; and I realized that, in the situations PPB was creating with their use of force, I was unable to feel reliable. I didn't want to be responsible for a scenario in which people could be unnecessarily hurt, so I limited what I was doing.

19. The recovery time after these uses of force is really challenging. Beyond just the bruising, being able to go back into public settings is hard. For a long time I really struggled with loud noises. I distrust and avoid police.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 01/07/2022.



Courtney Margolin (Jan 7, 2022 11:36 PST)
COURTNEY MARGOLIN